IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

OLLIE GREENE, Individually as the	§	
Surviving Parent of WYNDELL GREENE,	§	
SR., et al.,	§	CASE NO.: 3:11-CV-00207-N
	§	
Plaintiffs,	§	
vs.	§	JURY TRIAL DEMANDED
	§	
TOYOTA MOTOR CORPORATION	§	
et al.,	§	
	§	
Defendants.	§	

**DEFENDANT VOLVO GROUP NORTH AMERICA, LLC'S RESPONSE IN
OPPOSITION TO PLAINTIFFS' EXPEDITED MOTION TO EXTEND
DEADLINE FOR DESIGNATION AND DISCOVERY OF EXPERTS**

Defendant VOLVO GROUP NORTH AMERICA, LLC f/k/a VOLVO TRUCKS

NORTH AMERICA ("VGNA") files this Response in Opposition to Plaintiffs' Expedited

Motion to Amend Scheduling Order to Extend the Deadline for Designation and Discovery of

Experts (Docket No. 231), respectfully showing:

I. ARGUMENT AND AUTHORITIES

1.   VGNA opposes Plaintiffs' request for another significant extension of expert

designation and discovery deadlines, and requests that Plaintiffs' motion be denied.

2.   VGNA joins in Defendant Strick Trailers, LLC's Brief in Opposition to Plaintiffs'

Expedited Motion to Amend Scheduling Order to Extend Deadline for Designations and

Discovery Experts (Docket No. 235) ("Strick's Brief in Opposition") and, specifically, the

argument set forth in sections II and III of Strick's Brief in Opposition.

3.   Plaintiffs' requested relief provides an unworkable and impossible trial

preparation schedule given the nature and complexity of the case and the sheer number of

parties, claims and experts involved. VGNA estimates no less than 13 to 15 experts will be designated among the parties – possibly more. Since Plaintiffs have stated in correspondence that they are unwilling to present their experts for deposition until all experts have completed their initial and/or rebuttal reports (*see* Exhibit "A"), that would leave only 20 business days after the defendants' deadline before the close of expert discovery to depose each of those experts in their various locations throughout the country. Even under the best of circumstances, such an undertaking would be extremely difficult, if not impossible.

4.   Additionally, because the Court denied a significant portion of Plaintiffs' Third Motion to Compel against VGNA, there will be limited information that will need to be produced by VGNA. More importantly, other than Plaintiffs' conclusory statements of its importance, Plaintiffs have made no showing of a need for any of the information upon which they are waiting for their experts to issue opinions.

5.   Should the Court grant Plaintiffs' request, VGNA will be prejudiced by the extremely compressed trial preparation schedule and will not be afforded the opportunity to adequately prepare for trial.

6.   Additionally, the undersigned counsel for VGNA is currently set for trial on April 21, 2014 (one-week setting) in Travis County, Texas, and on May 5, 2014 (two-week setting) in Dallas County, Texas, in two separate matters, making a continuance until April 17, 2014 impossible based on scheduling for VGNA and its counsel.

II. CONCLUSION AND PRAYER

VGNA prays that the Court deny the Plaintiffs' request to extend the expert designation deadlines contained in the current scheduling order. VGNA also prays for all other relief, whether at law or in equity, that it is entitled to.

Respectfully submitted,

HOWRY BREEN & HERMAN, LLP

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Randy Howry
State Bar No. 10121690
rhowry@howrybreen.com
Pat Fitzgerald
State Bar No. 24036566
pfitzgerald@howrybreen.com
John E. Carlson
State Bar No. 00790426
jcarlson@howrybreen.com
1900 Pearl Street
Austin, Texas 78705-5408
(512) 474-7300
(512) 474-8557 FAX

ATTORNEYS FOR DEFENDANT
VOLVO GROUP NORTH AMERICA, LLC f/k/a
VOLVO TRUCKS NORTH AMERICA

CERTIFICATE OF SERVICE

This is to certify that on the 7th day of November, 2013, a true and correct copy of the above and foregoing was forwarded to all non-registered counsel of record in accordance with the Federal Rules of Civil Procedure to all registered counsel of record by electronic service through the court's ECF system in compliance with Federal Rule of Civil Procedure 5(b)(2)(E) and 5(b)(3).

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Randy Howry